

ASSEMBLY RESOLUTION No. 245

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman JEAN STANFIELD

District 8 (Atlantic, Burlington and Camden)

Assemblyman RYAN E. PETERS

District 8 (Atlantic, Burlington and Camden)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Urges Congress to amend Individuals with Disabilities Education Act to expand eligibility for funding to students with special needs who are 22 years of age.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 **AN ASSEMBLY RESOLUTION** urging Congress to amend the
2 Individuals with Disabilities Education Act to expand eligibility
3 for funding to students with special needs who are 22 years of
4 age.
5
6 **WHEREAS**, The COVID-19 pandemic has significantly impacted the
7 delivery of educational services to students with special needs and
8 caused added stress for both students and their families; and
9 **WHEREAS**, Parents of students with special needs have reported that,
10 over the past year, distance learning has caused their children to fall
11 behind academically, miss developmental milestones, and lose key
12 skills necessary for an independent life; and
13 **WHEREAS**, While every student has fallen behind and even regressed
14 to some degree during remote instruction, students with special
15 needs are more likely to experience significant learning regression;
16 and
17 **WHEREAS**, With school districts shifting to remote instruction in
18 March of 2020, many special education services were subsequently
19 delivered through remote means or in ways that were not initially
20 envisioned by parents and school district officials; and
21 **WHEREAS**, The decision to suspend in-person learning left many
22 parents personally responsible for providing the support services
23 normally delivered to their children by trained specialists and
24 without the resources needed to fulfill their child's individualized
25 education program (IEP); and
26 **WHEREAS**, An IEP is the primary way in which schools fulfill their
27 responsibilities under the federal Individuals with Disabilities
28 Education Act (IDEA) by setting out measurable goals for the
29 student each school year as well as the various services that will be
30 provided by the district; and
31 **WHEREAS**, The IDEA is the means by which the federal government
32 provides funding to participating states to cover the costs of
33 providing a free and appropriate public education to students with
34 developmental disabilities; and
35 **WHEREAS**, Under Part B of the IDEA, funds are used to provide
36 special education services, related services such as physical,
37 occupational, and speech therapy, and supplementary aids and
38 services to school age students ranging from ages 3 through 21; and
39 **WHEREAS**, In most states, a student will no longer receive services
40 after they reach age 21 or if the student receives a high school
41 diploma, whichever occurs first; and
42 **WHEREAS**, Normally, a student who is entitled to services under the
43 IDEA receives quality, consistent, in-person support services which
44 allow the student to more easily transition to adulthood; and
45 **WHEREAS**, However, in light of the disruption of services due to the
46 COVID-19 pandemic, students with disabilities will not have
47 similarly benefitted from the services received during remote

1 instruction as they will age out of their respective school systems
2 with effectively one less year of support than those enrolled in
3 previous years; and

4 **WHEREAS**, Allowing special education students to age out at the
5 current age of 21 impairs a school district's ability to adequately
6 prepare them for adulthood; and

7 **WHEREAS**, Although some states allow students to receive services
8 until age 22, current circumstances warrant providing every student,
9 regardless of where he or she lives, additional time to receive those
10 services; and

11 **WHEREAS**, By amending the Individuals with Disabilities Education
12 Act to permit students to receive services until age 22,
13 developmental regressions occurring as a result of a switch to
14 remote instruction can be properly addressed while ensuring that
15 these students continue to make progress in their education; now,
16 therefore,

17

18 **BE IT RESOLVED** by the General Assembly of the State of New
19 Jersey:

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21 1. This House urges Congress to amend the Individuals with
22 Disabilities Education Act to expand eligibility for funding to
23 students who are 22 years of age.

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25 2. Copies of this resolution, as filed with the Secretary of State,
26 shall be transmitted by the Clerk of the General Assembly to the
27 Majority and Minority Leaders of the United States Senate, the
28 Speaker and Minority Leader of the United States House of
29 Representatives, and to every member of Congress elected from this
30 State.

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33 STATEMENT

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35 This resolution urges Congress to amend the Individuals with
36 Disabilities Education Act (IDEA) to expand eligibility for funding
37 to students with special needs who are 22 years of age. In light of
38 the COVID-19 pandemic, the delivery of educational services to
39 students with special needs has been significantly impacted and led
40 them to fall behind academically, miss developmental milestones,
41 and lose key skills necessary for an independent life. With school
42 districts shifting to remote instruction in March of 2020, many
43 special education services were subsequently delivered through
44 remote means or in ways that were not initially envisioned by
45 parents and school district officials. The decision to suspend in-
46 person learning left many parents personally responsible for
47 providing the support services normally delivered to their children

1 by trained specialists and without the resources needed to fulfill
2 their child's individualized education program (IEP). An IEP is the
3 primary way in which schools fulfill their responsibilities under the
4 IDEA by setting out measurable goals for the student each school
5 year as well as the various services that will be provided by the
6 district.

7 The IDEA is the means by which the federal government
8 provides funding to participating states to cover the costs of
9 providing a free and appropriate public education to students with
10 developmental disabilities. Under Part B of the IDEA, funds are
11 used to provide special education services, related services such as
12 physical, occupational, and speech therapy, and supplementary aids
13 and services to school age students ranging from ages 3 through 21.
14 In most states, a student will no longer receive services after they
15 reach age 21 or if the student receives a high school diploma,
16 whichever occurs first. Normally, a student who is entitled to
17 services under the IDEA receives quality, consistent, in-person
18 support services which allow the student to more easily transition to
19 adulthood. However, in light of the disruption of services due to
20 the COVID-19 pandemic, students with disabilities will not have
21 similarly benefitted from the services received during remote
22 instruction as they will age out of their respective school systems
23 with effectively one less year of support than those enrolled in
24 previous years. Allowing special education students to age out at
25 the current age of 21 impairs a school district's ability to adequately
26 prepare them for adulthood. By amending the federal Individuals
27 with Disabilities Education Act to permit students to receive
28 services until age 22, developmental regressions occurring as a
29 result of a switch to remote instruction can be properly addressed
30 while ensuring that these students continue to make progress in
31 their education.